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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORKU.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

-----X **Docket#**  
 UNITED STATES OF AMERICA, : 15-cr-00242-JFB  
 :  
 - versus - : U.S. Courthouse  
 : Central Islip, New York  
 MICHAEL BELFIORE, :  
 Defendant : February 1, 2017  
 -----X

TRANSCRIPT OF CRIMINAL CAUSE FOR STATUS CONFERENCE  
 BEFORE THE HONORABLE JOSEPH F. BIANCO  
 UNITED STATES DISTRICT JUDGE

**A P P E A R A N C E S:**

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1 THE CLERK: Calling case 15-cr-242, United  
2 States of America v. Belfiore.

3 Counsel, please state your appearances for the  
4 record.

5 MS. GATZ: Good afternoon, your Honor.  
6 Lara Treinis Gatz for the United States.

7 THE COURT: Good afternoon, Ms. Gatz.

8 MR. LIOTTI: Good afternoon, Judge.

9 Thomas F. Liotti for the defendant, appearing  
10 with Dr. Belfiore.

11 THE COURT: Good afternoon, Mr. Liotti and Dr.  
12 Belfiore.

13 I would just ask that you use the mics because  
14 we're taping this. We don't have the court reporter.

15 MR. LIOTTI: Sure.

16 THE COURT: And I apologize for dragging  
17 everyone in.

18 MR. LIOTTI: No.

19 THE COURT: I know you did submit letters but  
20 when a defendant is waiving this much time under the  
21 Speedy Trial Act, I like to do it in person. So why  
22 don't you just briefly explain, Ms. Gatz, and Mr. Liotti,  
23 as well, basically you want to set a more extended  
24 briefing schedule?

25 MS. GATZ: Yes, your Honor. Mr. Liotti warned

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1 me when he filed the motion that I would probably need  
2 more time because of its breath and novel arguments and  
3 he was correct. So we are working on responding and we  
4 do need additional time to do that.

5 And I know Mr. Liotti would like the  
6 opportunity to reply if necessary, so we did submit a  
7 letter asking for an amended briefing schedule and to  
8 adjourn a status conference until March 29th at 1  
9 o'clock.

10 THE COURT: Okay.

11 MR. LIOTTI: I also take that, Judge, as a  
12 compliment from my esteemed adversary because there's  
13 nothing that she can't answer, Judge. I will tell you  
14 that right now. She is very, very formidable.

15 THE COURT: All right.

16 MR. LIOTTI: So --

17 THE COURT: So you and your client are okay  
18 with the --

19 MR. LIOTTI: Oh, absolutely, Judge, and  
20 frankly, any courtesies that I can extend to Ms. Gatz and  
21 the Court wants to do it in this case, I just wanted to  
22 remind Ms. Gatz I did say it in my letter to the Court,  
23 that there's also an application before you which we  
24 could put over also until that late date that you have  
25 before you for so-ordered subpoenas.

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1           THE COURT: No, I read the letter. I don't  
2 have them in front of me, that we were going to -- you  
3 were going to brief that, as well, because I don't want  
4 to do this in stages. So that's one of the reasons why I  
5 wanted to go along with the extension because you're  
6 going to brief that, as well.

7           MS. GATZ: Yes.

8           THE COURT: Right?

9           MS. GATZ: Yes.

10          THE COURT: Okay. So let me just -- I have the  
11 waiver before me. Let me just ask Dr. Belfiore, you  
12 heard Mr. Liotti. They're agreeing on a new schedule  
13 both with respect to the motion to dismiss the indictment  
14 which Mr. Liotti filed and he has a request for subpoenas  
15 that the government would need to respond to and then he  
16 would get to reply on both of those.

17          By signing this waiver, you are agreeing to  
18 exclude the time until March 29th to allow both sides --  
19 primarily to allow your lawyer once the government  
20 answers these to have additional time to put in his  
21 responses to the government's response.

22          MR. LIOTTI: Judge --

23          THE COURT: Is that your wish?

24          MR. LIOTTI: I'm sorry, the judge is asking you  
25 first. Go ahead.

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1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay.

3 MR. LIOTTI: Judge, I just wanted to mention  
4 that I also took the liberty of filing some request to  
5 charge with your Honor, and I know that's a bit premature  
6 but I want to give the Court a heads-up on what I was  
7 asking for. I filed a request for a pre-charge and also  
8 for voir dire and I've given copies to Ms. Gatz on all of  
9 those things.

10 THE COURT: Okay. That's fine. You can put  
11 them in whenever you would like but obviously that's a  
12 little bit ahead of the game.

13 So I am going to adjourn -- I'm going to adopt  
14 the schedule that is set forth in the letters and I just  
15 want to make clear that that March 29th date, I will use  
16 as not just a conference but an oral argument where I  
17 will give you a chance if you want to highlight anything  
18 you want to highlight from your papers and if possible, I  
19 might rule on that day, once I hear the argument, so the  
20 case doesn't remain dormant for too long.

21 So I am excluding the time until March 29th,  
22 2017.

23 (Pause)

24 THE COURT: Yes, we have something else on for  
25 that date.

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1 MR. LIOTTI: Judge, could I mention one thing  
2 because maybe I missed it and maybe you've addressed it  
3 -- I apologize if I missed it but we're going to need a  
4 little time, I think, to reply to Ms. Gatz's papers.

5 THE COURT: Yeah, I think that's built into the  
6 schedule. Do you have the letter in front of you, Ms.  
7 Gatz?

8 MS. GATZ: I don't but it was. I built in two  
9 weeks after my response --

10 THE COURT: Yes, just --

11 MS. GATZ: -- for the reply and that should  
12 be --

13 THE COURT: Just hold on one second. We'll get  
14 the letter.

15 MS. GATZ: Okay.

16 (Pause)

17 MS. GATZ: And it --

18 MR. LIOTTI: Judge, you're aware that there's  
19 no court reporter here, right?

20 THE COURT: Yes, we're taping it.

21 MR. LIOTTI: Oh, okay. Okay.

22 THE COURT: Okay. That's why I wanted you to  
23 stay close to the mic.

24 MR. LIOTTI: Yeah, okay. I'm sorry.

25 MS. GATZ: Your Honor, is March 29th not a good

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1 day?

2 THE COURT: Yes, can you -- another day that  
3 week?

4 MS. GATZ: The 30th is fine or the 31st,  
5 whatever is good for Mr. Liotti.

6 MR. LIOTTI: Everyday is bad, Judge. So just  
7 pick one and --

8 MS. GATZ: Well, I don't know, Dr. Belfiore has  
9 some days that he doesn't work.

10 MR. LIOTTI: Oh, yes, Wednesdays would be best  
11 for him, Judge, if that's possible.

12 THE COURT: Wednesdays?

13 MS. GATZ: We could do the following Wednesday,  
14 April 3rd -- April 5th, excuse me, if that's good.

15 MR. LIOTTI: That's fine, Judge.

16 THE COURT: Yes, April 5th at 1 o'clock.

17 MS. GATZ: That's fine.

18 MR. LIOTTI: Yes, your Honor.

19 THE COURT: I am just going to put that date  
20 and everybody just initial it, because we've changed the  
21 date on the waiver.

22 Michelle, can you give this to them to initial?

23 MS. GATZ: I got it.

24 MR. LIOTTI: You want us to resign that, Judge,  
25 or initial it?

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1 THE COURT: Just initial the new date.

2 MR. LIOTTI: Okay, sure.

3 (Pause)

4 MR. LIOTTI: Okay, very good. We've done that,  
5 Judge.

6 THE COURT: Okay. So just so the record is  
7 clear, I am excluding the time until April 5th in order  
8 to allow additional time for the briefing on the  
9 defendant's motion -- the motion to dismiss the  
10 indictment, as well as the motion for certain subpoenas,  
11 in order to allow that to be properly briefed and allow  
12 sufficient time for the reply by Mr. Liotti on both --  
13 and I assume you can also use the time generally just to  
14 prepare the case forward, correct?

15 MR. LIOTTI: Yes, your Honor.

16 THE COURT: I find -- and for that reason, as  
17 well, I find the ends of justice served by granting the  
18 continuance outweigh the best interest of both the public  
19 and the defendant in a speedier trial and I have so-  
20 ordered the waiver. All right?

21 I'm just going to give you the dates, Mr.  
22 Liotti, so you have them.

23 MR. LIOTTI: Yes, your Honor. Judge, I figured  
24 you didn't have enough reading to do, so I gave you a  
25 couple of extra pieces of paper on the motions and so --



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1 THE COURT: That's okay, we can handle it.

2 MR. LIOTTI: I'm just curious, Judge, how come  
3 you weren't nominated last night?

4 MS. GATZ: It was close, right?

5 THE COURT: Yeah, maybe I was one away.

6 MR. LIOTTI: I thought it would be you or Ms.  
7 Gatz. I wasn't sure who wasn't going to go first but if  
8 Justice Kennedy retires, there's another opening for you,  
9 Judge.

10 THE COURT: So the government's response to  
11 both motions is March 3rd and Mr. Liotti, your reply on  
12 both motions is March 17th, okay?

13 MR. LIOTTI: Is that enough time for you?

14 MS. GATZ: Yes.

15 THE COURT: All right?

16 MR. LIOTTI: Yes, your Honor.

17 THE COURT: All right. Thank you very much.  
18 Have a good day.

19 MS. GATZ: Thank you very much, Judge.

20 MR. LIOTTI: Judge, have a good day.

21 THE COURT: You, too.

22 MS. GATZ: Nice to see you, Judge.

23 THE COURT: Same here.

24 (Matter concluded)

25 -o0o-

C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 18th day of November, 2018.

  
Linda Ferrara

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